

JOURNAL OF THE HOUSE.

Monday, February 25, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, in Whom we place our trust and hope, we depend upon You and Your guidance for direction as we take up and examine the legislative matters which come before us. Help us to select those choices and to make those decisions which are fair, rational and ethical. When we respectfully disagree with constituents and colleagues on legislative matters and programs, teach us to disagree on principles, right reason and our value system. In the present world of much too much violence against innocent people, inspire us to work together in building a society and communities in which the rights, beliefs and dignity of all are recognized and respected.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor — Bills Returned with Recommendations of Amendments.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill further regulating the disclosure of certain financial information to the division of medical assistance exempting certain bank fees [see House, No. 975] (for message, see House, No. 4550) was filed in the office of the Clerk on Thursday, February 21.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Harwich to acquire certain real property [see House, No. 4257] (for message, see House, No. 4551) was filed in the office of the Clerk on Thursday, February 21.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Methuen,
credit
union.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the city of Methuen to lease a portion of a certain building to the Methuen Municipal Employees Federal Credit Union [see House, No. 4325] (for message, see House, No. 4552) was filed in the office of the Clerk on Thursday, February 21.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

Fall River,
fire
fighters.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the appointment of certain persons as firefighters in the city of Fall River [see House, No. 4089] (for message, see House, No. 4549) was filed in the Office of the Clerk on Thursday, February 21.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

*Resignation of Representative Stephen P. LeDuc
of Marlborough.*

The following communication, received by the Clerk from the office of the Speaker of the House on Thursday, February 21, 2008, was read for the information of the House; and placed on file.

February 19, 2008.

The Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
State House, Room 356
Boston, MA 02133

Dear Mr. Speaker:

Resignation of
Representative
Stephen P.
LeDuc of
Marlborough.

I am writing you today to submit my resignation, effective at the start of business today, February 19, 2008. It has been a distinct honor and pleasure serving the residents of the 4th Middlesex District and the Commonwealth of Massachusetts.

As always, please do not hesitate to contact me should you have any questions or concerns.

Take care,

STEPHEN P. LeDUC,
*State Representative,
Fourth Middlesex District.*

Statement of Representative Guyer of Dalton.

A statement of Mr. Guyer of Dalton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of the sitting of Wednesday, February 13, 2008 due to a long-standing commitment in my district. Had I been present for the taking of yea and nay, Nos. 255, 256 and 257, I would have voted in the negative, in each instance; and yea and nay Nos. 258 thru 263, inclusive, I would have voted in the affirmative, in each instance. Any roll calls that I missed that day was due entirely to the reason stated.

Statement of
Representative
Guyer of
Dalton.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Fernandes of Milford) congratulating David Kirchner on nine years of outstanding service as troop leader of Milford Boy Scout Troop 4; and

David
Kirchner.

Resolutions (filed by Messrs. Mariano of Quincy and Driscoll of Braintree) congratulating the town of Holbrook on the one hundred and thirty-sixth anniversary of its incorporation;

Holbrook,
anniversary.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fagan of Taunton the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Board of Selectmen of the Town of Lunenburg, recommending positive action on House docket number 4651, a petition of Bradley H. Jones, Jr., for legislation to increase the distribution of funds from the State Lottery to the cities and towns of the Commonwealth; and

Lunenburg,
Lottery fund
distribution.

From the City Council of the City of Cambridge, urging support of Senate bill number 2423, relative to the Massachusetts Global Warming Solutions Act. Severally were placed on file.

Cambridge,
global
warming.

Petition.

Mr. Spellane of Worcester presented a petition (subject to Joint Rule 12) of Robert P. Spellane and others relative to health care cost in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Health care,
cost.

Papers from the Senate.

The Senate petition (accompanied by bill, Senate, No. 473) of Stephen M. Brewer for legislation to promote alternative energy on farms, came from the Senate with the endorsement that said branch had non-concurred with the House in the discharge of said petition from the committee on Environment, Natural Resources and Agriculture.

Farms,
alternative
energy.

On motion of Mr. Smizik of Brookline, the House then receded from its action; and the petition was returned to said committee.

Bills

Authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Acton (Senate, No. 2509) (on Senate bill No. 2442);

Authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Shirley (Senate, No. 2510) (on Senate bill No. 2443)

Authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (Senate, No. 2511) (on Senate bill No. 2444);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A petition of Robert S. Creedon, Jr. and Eugene L. O’Flaherty for legislation relative to safety at the John Adams Courthouse, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2516) was referred, in concurrence, to the committee on the Judiciary.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of John A. Lepper and Scott P. Brown that the Department of Mental Retardation be directed to establish a sick leave bank for Marie Silva, an employee of said department; and

Joint petition (accompanied by bill) of Pam Richardson, Karen E. Spilka and another for legislation to establish a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction;

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1079) of Michael W. Morrissey and William Salisbury for legislation relative to worker’s compensation as it relates to employees who are members of the armed services or national guard,— and recommending that the same be referred to the committee on Veterans and Federal Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill placing certain questions on the ballot of the November 2008 Presidential election (House, No. 4500),— and recommending that the same be recommitted to the committee on Election Laws. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to student testing in the schools (House, No. 436); and

Of the Bill relative to the availability of MCAS results (House, No. 459);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Orders of the Day.

House bills

Relative to a certain reserve fund in the town of Oak Bluffs (House, No. 4041); and

Relative to town meeting members in the town of Framingham (House, No. 4432);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

At eighteen minutes after eleven o’clock A.M., on motion of Ms. Provost of Somerville (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.

Acton,
property
lease.

Shirley,
property
lease.

Westfield
river land,
easement.

John Adams
Courthouse.

Marie
Silva,
sick leave.

Donna L.
Monfredo,
sick leave.

Armed
Services,
worker’s
compensation.

Palmer,
charter.

Student
testing.

MCAS
results,
availability.

Third
reading
bills.

Next
sitting.